

Application No.: 10/763,727

Amendment After Final dated: January 11, 2007

Reply to Office Action dated: October 11, 2006

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REMARKS/ARGUMENTS

Claims 10-21 are pending in the application. Claims 10, 13-16 and 19-21 are rejected under 35 U.S.C. §102(a), as being anticipated by Shiraishi et al. (JP 2002-074870), hereinafter ("Shiraishi"). Claims 11-12 and 17-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shiraishi et al. (JP 2002-074870), hereinafter ("Shiraishi").

Applicants submit the cited reference Shiraishi does not teach, suggest or describe at least "[a]n actuator component comprising: at least one layer of electrically-conductive material; and at least one layer of electrically-insulative material ... *sandwiching a conductive layer between said insulative layer and said actuator finger...*" (e.g., as described in claim 10).

The Office Action asserts that Shiraishi teaches an electrically insulative material (including 60 above lower-most 61), a conductive material (citing element 61) and an actuator finger (52a), citing Figure 6. It also asserts Shiraishi teaches sandwiching a conductive layer between the insulating layer and said actuator finger, citing Figures 5-6. See Office Action dated 2/3/2006, paragraph 4. Applicants disagree for at least the reasons described below.

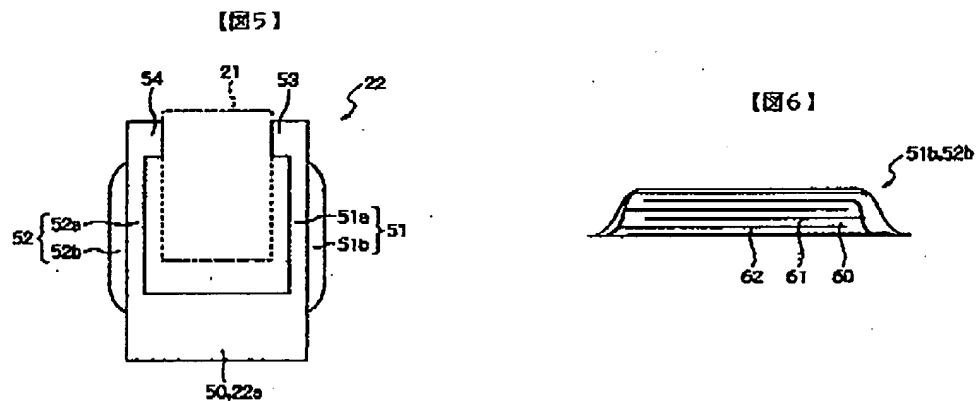
First, Applicants disagree with the Office Action's contention that element 60 is the equivalent of the "insulative material", element 61 is the equivalent of the "conductive material" and element 52a is the equivalent of the "actuator finger" as described in embodiments of the present application. They are not. However, even if one were to assume, only *arguendo*, that they are equivalents, the Shiraishi reference would still fail to describe *sandwiching a conductive layer between the insulative layer and the actuator finger*. As stated above, to support its

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rejection, the Office Action merely cites Figures 5 and 6. Figures 5 and 6 of Shiraishi are reproduced below:



Applicants submit Figure 6 merely shows the multiple layers cited by the Office Action as part of one ready-made component of the actuator structure shown in Figure 5.

In order to show an embodiment wherein *a conductive layer is sandwiched between the insulative layer and the actuator finger*, the Shiraishi reference would need to show element 61 *sandwiched between* element 60 and element 52a. However, as is apparent from the cited figures, element 61 (the alleged conductive layer) is in between elements 60 (the alleged insulative layer) and element 62 (a ground layer). Element 52a (shown in Figure 5) is wholly separate from the structure in Figure 6 including cited elements 60 and 61. Therefore, since element 52a does not sandwich either layer 61 or 60, the Office Action's current rejection is inadequate to show *a conductive layer is sandwiched between the insulative layer and the actuator finger*.

The Office Action asserts when element 52b is placed on the alleged actuator finger 52a, a conductive layer will BE sandwiched between the insulative and the actuator finger. See Office

Application No.: 10/763,727

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Action dated 10/11/2006, paragraph 7. Applicants disagree. First, Applicants note the Office Action offers no support from the reference itself for this assertion. Applicants request support from the reference for this assertion.

Moreover, Applicants submit an examination of Figure 5 of the cited reference disproves the Office Action's assertion. Specifically, element 52b is never placed *on top of* the alleged actuator finger 52a; it is located *on the side* of element 52a. Therefore, it is impossible for any part of element 52b to be sandwiched by element 52a. Second, even if this were not the case, Figure 6 clearly shows each element 61 being "sandwiched" by elements 61 and 60. As argued above, element 52a (shown in Figure 5) is wholly separate from the structure in Figure 6 including cited elements 60 and 61.

In addition, the Office Action's asserts that the claims do not preclude other layers from also being sandwiched between the insulative layer and actuator finger. *See id.* Applicants submit the term "sandwiched" is easily understood by one of ordinary skill in the art. Moreover, in light of the arguments above, Applicants submit it is easily understood by a person of ordinary skill that the cited references do not describe at least a conductive layer is *sandwiched* between an insulative layer and an actuator finger.

The Office Action asserts the actuator finger is not a positive recitation of structure but merely an intention of use. *See id.* Applicants disagree. A reference to an "actuator finger" is a reference to a positive structural limitation of the actuator component embodiment described in claim 10. Moreover, claim 10 positively describes the manner in which the structural actuator finger (as an element of the "actuator component" described in claim 10) relates to the other

Application No.: 10/763,727

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structural elements of actuator component in multiple ways. (“...said conductive material and said insulative material are to be applied to an actuator finger one layer upon another in an alternating manner, and said layer of insulative material is wider than said layer of conductive material such that an insulative layer, applied to said actuator finger and sandwiching a conductive layer between said insulative layer and said actuator finger, at least partially encloses and electrically isolates said conductive layer latitudinal to said actuator finger.”) Applicants respectfully submit the assertion that the multiple descriptions of the structural aspects of the actuator finger in claim 10 are intention of use is incorrect.

The description of Shiraishi fails to describe these limitations as well. Layers 60, 61, and 62 of the Shiraishi reference are discussed in detail in paragraphs 0051 and 0052. Paragraph 0051 describes the expansion and contraction operations of “electrostriction ingredient layer 60”, “single-electrode layer 61”, and “grand electrode layer 62”. It further describes the terminal electrode connections used to achieve this purpose. Paragraph 0052 discusses the describes the relationship of the electric magnetic field to expansion and contraction (*i.e.*, potential difference “in agreement” with direction of polarization leads to expansion, and potential difference “contrary” to the direction of polarization leads to contraction). None of the other sections of Shiraishi describe layers 60, 61, and 62 in detail. Applicants request further support regarding the Office Action’s assertions regarding elements 60, 61, and 62.

Applicants submit neither these two sections describe the alleged conductive and insulative layer equivalents, nor does the Shiraishi reference as a whole describes at least a conductive layer is sandwiched between the insulative layer and the actuator finger (*e.g.*, as

Application No.: 10/763,727
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described in the embodiment of claim 10). Therefore, since for at least the preceding reasons each and every limitation is not taught or suggested in the Shiraishi references. Applicants submit it is inadequate to support proper 35 U.S.C. §102(b) and §103(a) rejections, and independent claim 10 should be allowed. Independent claim 16 includes similar limitations and therefore is also in condition for allowance for similar reasons. Claims 11-15 and 17-21 depend from allowable independent claims and therefore are allowable as well.

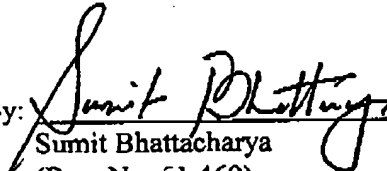
The Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited. The Examiner is invited to contact the undersigned at (408) 975-7500 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 11-0600.

Respectfully submitted

KENYON & KENYON LLP

Dated: January 11, 2007

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